

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

\*

v.

\*

CRIMINAL NUMBER: WDQ-12-265

JOSEPH OSIOMWAN, et al

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**MOTION TO SUPPRESS EVIDENCE SEIZED FROM, OR AS A RESULT OF, THE  
ILLEGAL/UNREASONABLE ARREST OF DEFENDANT OSIOMWAN**

NOW COMES the attorney on behalf of the above named Defendant, Joseph Osiomwan, and respectfully requests this Honorable Court suppress all evidence seized from, or as a result of, the illegal/unreasonable arrest of the Defendant on May 3, 2012. In support of this Motion, the Defendant states as follows:

1. The Defendant was arrested on May 03, 2012.
2. At the time of the arrest, no arrest warrant had been issued for the Defendant and no criminal charges had been filed.
3. That no Government Agent observed the Defendant commit any crime, or had any reasonable basis to believe the Defendant committed any crime on May 03, 2012.
4. That at the time of the arrest, and search, of the Defendant no search warrant had been executed.
5. At the time of the Defendant's arrest, the Government was in the process of obtaining a search and seizure warrant for the address of 5404 Northwood Avenue, Baltimore, Maryland (hereinafter, "premises"). A search warrant was signed by the United States Magistrate Judge at 8:55PM. Officers' waiting to hear a warrant was signed for the premises allegedly

observed the Defendant at, or leaving, the premises. Evidence will establish the Defendant was arrested before 8:30 P.M.

6. That if the Government believed it had probable cause to arrest the Defendant on, or before, May 03, 2012, it would have obtained an arrest warrant for the Defendant. Similarly, if the Government believed it had probable cause to detain and search the Defendant it could have sought a search warrant for his person on May 03, 2012.

7. Generally, warrantless searches and seizures are unreasonable. *See*; Fourth Amendment, United States Constitution; *California v. Carney* 471 U.S. 386 (1985).

8. That under the totality of the circumstances, the illegal warrantless arrest of the Defendant was unreasonable and not supported by probable cause, any exigency or any legitimate exception to the warrant requirement.

9. That all evidence seized from, or as a result of, the illegal/unreasonable arrest of the Defendant on May 03, 2012, must be suppressed.

10. That the Defendant reserves the right and respectfully requests permission to amend/modify this Motion and/or supplement this Motion with memorandum of law after a hearing is held.

**WHEREFORE**, the Defendant, Joseph Osiomwan, respectfully requests the relief sought herein be **GRANTED** and this Honorable Court **GRANT** any other, or further, relief it deems appropriate or the interests of justice require.

**REQUEST FOR A HEARING**

Pursuant to Local Rule 105.6, the Defendant respectfully requests a hearing be held on this Motion.

Respectfully submitted,

*Paul R. Kramer*

Paul R. Kramer

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**POINTS AND AUTHORITIES**

Fourth Amendment, United States Constitution.

*Silverthorne Lumber Company v. United States*, 251 U.S. 385 (1920).

*Illinois v. Gates*, 462 U.S. 213 (1983).

*California v. Carney*, 471 U.S. 386 (1985).

*United States v. Brown*, 401 F.3d 588 (4<sup>th</sup> Cir. 2005).

Respectfully submitted,

*Paul R. Kramer*

Paul R. Kramer

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing Motion to Suppress was sent electronically to James Wallner, Assistant United States Attorney, and Teresa Whalen, attorney for Co-Defendant Larry Brown, this **24** day of **August, 2012**.

*Paul R. Kramer*  
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